

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

STEVEN R. ERGLER, an individual,

Plaintiff,

v.

ETHICON ENDO-SURGERY, LLC, a Puerto  
Rico limited liability company,

Defendant.

CASE NO. C19-5608-JCC

ORDER

This matter comes before the Court on Plaintiff's unopposed petition for approval of settlement (Dkt. No. 56). Having thoroughly considered the petition, the Declaration of Peter J. Mullenix (Dkt. No. 57), the Report of Settlement Guardian Ad Litem ("SGAL") John Wilson (Dkt. No. 58), the Declaration of John Wilson (Dkt. No. 59), and the relevant record, the Court finds oral argument unnecessary and hereby GRANTS the petition and ORDERS as follows:

1. The proposed settlement for Steven R. Ergler's claims against Defendant Ethicon Endo-Surgery, LLC in the amount of \$ [REDACTED] is approved;
2. The attorneys' fees incurred by Friedman | Rubin, PLLP in the amount of \$ [REDACTED] are approved;
3. The attorneys' fees incurred by Jacob Menashe in the amount of \$ [REDACTED] are approved;

- 1 4. The litigation costs advanced by Friedman | Rubin, PLLP in the amount of  
2 \$ [REDACTED] are approved;
- 3 5. The disbursement to Equian for reimbursement of its lien for medical expenses in the  
4 amount of \$ [REDACTED] is approved;
- 5 6. The disbursement to Discovery Health Partners for reimbursement of its lien for  
6 medical expenses in the amount of \$ [REDACTED] is approved;
- 7 7. The disbursement of \$ [REDACTED] into a structured settlement is approved;
- 8 a. Future periodic payments will be made on the dates and in the amounts  
9 indicated below:
- 10 i. Payee: Steven R. Ergler  
11 (\$ [REDACTED] payable monthly, guaranteed for 16 years and  
12 11 months, beginning on 7/15/2021, with the last  
13 guaranteed payment on 5/15/2038)
- 14 ii. Periodic payments and related fees, if any, have a cost of \$ [REDACTED].
- 15 iii. The future payment amounts outlined above are guaranteed based  
16 upon a projected annuity purchase date of June 15, 2021. Any delay in  
17 funding the annuity may result in a delay of the payment dates or  
18 change in payment amounts that shall be recorded in the settlement  
19 agreement and release, qualified assignment document, and the  
20 annuity contract without the need to obtain an amended Petition/Court  
21 Order up to 180 days after original purchase date.
- 22 iv. Any payments to be made after the death of the Payee shall be made to  
23 the Estate of Payee. Payee may submit a change of beneficiary, in  
24 writing, to Assignee. No such designation, or any revocation thereof,  
25 shall be effective unless it is in writing and delivered to Assignee. The  
26 designation must be in a form acceptable to Assignee. The designation

1 approved by the Court at this time is The Estate of Steven R. Ergler.

- 2 v. The obligation to make periodic payments described herein will be  
3 assigned to Pacific Life & Annuity Services, Inc. ("Assignee") and  
4 funded by an annuity contract issued by Pacific Life Insurance  
5 Company ("Annuity Issuer"), rated A+ (Superior) by A.M. Best  
6 Company. All parties shall cooperate fully and execute any and all  
7 supplementary documents, including a Settlement Agreement and  
8 Release and Qualified Assignment, in compliance with Internal  
9 Revenue Code Section 104 (a)(2) and Section 130 of the Internal  
10 Revenue Code of 1986, as amended.
- 11 vi. Neither the incapacitated person, nor their estate, nor any subsequent  
12 beneficiary or recipient of any payments or any part of any payments  
13 under this structured settlement shall have the right to accelerate,  
14 commute, or otherwise reduce to present value or to a lump sum any of  
15 the payments or any part of the payments due under this structured  
16 annuity settlement or this order unless by later motion good cause has  
17 been shown to lift or modify these restrictions.

18 8. The SGAL fee in the amount of \$ [REDACTED] to be paid by Defendant is approved; and

19 9. The SGAL shall be discharged from all further duties.

20 DATED this 28th day of June 2021.

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24 John C. Coughenour  
25 UNITED STATES DISTRICT JUDGE  
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